

III. REMARKS

1. Claims 1, 2, 5-10, and 13-17 remain in the application.

Claims 1, 9 and 17 have been amended. Support for the amendment can be found, for example, in paragraph [0032] of the published specification.

2. Claims 1, 2, 5-10, and 13-17 comply with the written description requirement of 35 USC 112, first paragraph. Support for "a header comprising a part common to all of the entirely formed messages and a part specifying a message type" may be found in the published specification, for example, in paragraphs [0030] and [0031].

3. Claims 1, 2, 5-10, and 13-17 are patentable under 35 USC 103(a) over the combination of Preston et al. (US 2002/0032853, "Preston"), Alden et al. (US 6,101,543, "Alden") and Olofsson et al. (US 6,647,265, "Olofsson").

The combination of Preston, Alden and Olofsson fails to disclose or suggest

using an application layer of a protocol stack of the first data transmission device to entirely form messages from the information to be transmitted without using information from other layers, said entirely formed messages being different from said information to be transmitted and each including a header comprising a part common to all of the entirely formed messages and a part specifying a message type;

inserting said entirely formed messages into data fields of frames of a lower layer of said protocol stack without affecting message transmission;

as substantially recited by claims 1, 9, and 17.

Preston discloses a system that allows for layered, secure data communication between mobile units over a variety of different communication links. (Abstract.) Specifically, Preston discloses a system that isolates the application program by providing for a protocol manager that is capable of implementing different message protocols. Preston provided for taking message from an application running in the application layer and sending the message through a "virtual socket" which are isolated from the application and implemented to correspond to a protocol type. (See paragraph [0053].) The virtual socket allows the message received from the application program

to be "modified and transmitted over a selected link using a different protocol" in a way that is transparent to the application running in the application layer. (Paragraph [0053].) Clearly, this is not what was disclosed in Applicant's claim 1. Preston provides for a virtual socket that allows for a message to be transmitted between two nodes over a selected socket protocol. However, Preston also provides that the virtual socket may modify the message and the protocol of the message in transmit between the two nodes. While this is not visible to the two nodes, the effect of the virtual socket clearly affects message transmission. Both the method and the protocol may be altered by the virtual socket disclosed in Preston. Further, the virtual socket in Preston may also divide up a message and spread the message over multiple links, allowing message transmission to be further modified. Again, this is not what was disclosed in Applicant's claim 1. The present claims are different from Preston's claim because they teach inserting said entirely formed messages into data fields of frames of a lower layer of said protocol stack without affecting message transmission.

This missing limitation is not remedied by combining Preston with Alden. Alden teaches a virtual private network system wherein a pseudo network adapter is provided to capture packets from a local communication protocol stack and then transmit it over a virtual private network. Alden is silent on inserting said entirely formed messages into data fields of frames of a lower layer of said protocol stack without affecting message transmission. The section pointed out by the Examiner only states that the information received may be prepended by a header or a trailer as it is passed down the protocol stack. It is silent on whether the method of message transmission is not affected as it is passed to a lower layer of the protocol stack.

Nor is the missing limitation not found by combining Preston and Alden found when further combined with Olofsson. Olofsson is used to teach a bearer specified by a second transmission device. However, Olofsson is completely silent on inserting entirely formed messages into data fields of frames of a lower layer of said protocol stack without affecting message transmission.

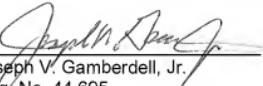
Therefore, the combination of Preston, Alden and Olofsson fails to render claims 1, 2, 5-10, and 13-17 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully

requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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Date

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